

**BOROUGH OF DUMONT
BERGEN COUNTY, NEW JERSEY
PUBLIC MEETING MINUTES
JULY 15, 2014
7:15 PM**

Mayor Kelly called the meeting to order at 7:15pm

Flag Salute; Moment of Silence

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Ridgewood News*, posted on the Borough website and filed with the Borough of Dumont.

Roll Call:

Council members Brophy, Correa, Hayes (arrived at 8:00PM), Manna, Riquelme, Zamechansky-present

Mayor Kelly-present

Motion to accept agenda as presented: Councilman Brophy

Second: Councilwoman Zamechansky

All in favor.

Approval of Minutes

Motion to approve the June 17, 2014 Executive meeting, Public meeting and Closed session minutes: Councilman Manna

Second: Councilman Brophy

Roll call vote: Council members Brophy, Correa, Manna, Riquelme, Zamechansky-yes

Administrator's Report

Absent

Council Committee Reports

- Councilman Brophy

Finance

The capital budget has not yet been finalized.

Ethics Board

The meeting scheduled for Thursday has been cancelled due to lack of agenda.

- Councilwoman Correa

No report

- Councilman Manna

DPW

In June there were 334 miles of streets swept, 41 catch basins cleaned, 2 manholes repaired and 1 manhole replaced, 300 potholes have been filled.

Lawn debris should not be put out until the evening before pickup. Branches should be tied and bundled-no longer than four feet in length.

The Councilman has had an ongoing discussion with the DPW Superintendent and Borough Administrator about maintenance of our roads going forward. The Borough Engineer was asked to compile a list of roads in need of repair and then see if a road trust can be established.

- Councilman Riquelme

Police Department

In June there were 1927 telephone calls for service and 88 telephone calls for medical reasons. Patrol issued 197 traffic summons, 1 DWI arrest, investigated 37 motor vehicle crashes and responded to 28 burglar alarms. The Detective Bureau investigated 16 domestic violence cases and handled 64 criminal cases. Two detectives were assigned to the Bergen County Prosecutor's office for a missing person case.

- Councilwoman Zamechansky

Senior Citizens

Thursday there will be a brunch for the seniors.

Fire Department

There were 27 alarms and 693 man hours in June.

Celebrations

The 5K Run is August 30th. One of the recipients of the Dumont Cares Fund is Theresa Giacalone, who is battling cancer.

Dumont Day is September 6th.

Mayor's Report

No report

Review of Consent Agenda Items: All items with an asterisk are considered to be non-controversial by the Council and will be approved by one motion. There may be further discussion prior to the vote upon request of a member of the public or a council member. Also, any item may be removed for further discussion or for roll call vote in which case the item will be removed and considered in its normal sequence as part of the general order of business.

RESOLUTIONS

#14-144 Bills List *

#14-145 2013 Audit Corrective Action Plan *

#14-146 Approval of Dumont Elks Lodge #2593 Off-premise Cash Raffle to be held October 11, 2014; ID#109-6-33628, RL#410 *

#14-147 Approval of Dumont High School Music Boosters On-premise Cash Raffle to be held 9/12, 9/27, 10/10, 10/17, 10/24 and 11/27; ID#109-5-36714, RL#411 *

#14-148 Approval of Police Department Towing Company List-7/1/14-6/30/15 *

#14-149 Approval of Fire Company #2 Boot Drive to be held September 27, 2014 *

#14-150 Approval of Patton Place Block Party Request to be held August 2, 2014 *

#14-151 Approval of Liquor License Renewal-Cedar Tavern Corp. *

#14-152 Authorization of Installation of Temporary Cell Tower-\$12,000 revenue *

#14-153 Approval of Appointment of Police Reserves *

#14-154 Approval of Margaret Court Block Party Request to be held August 30, 2014 *

#14-155 Approval of Erie Street Block Party Request to be held August 2, 2014 *

#14-156 Appointment of Interim Borough Financial Advisor *

#14-157 Resolution Authorizing the Issuance of Not Exceeding \$5,400,000 of Tax Anticipation Notes *

Councilman Brophy asked Mr. Paster if it might be possible to get a waiver to do estimated tax bills instead of the Tax Anticipation Note.

Mr. Paster responded it is possible, but the Council would have to authorize the submission of estimated tax bills formally by resolution. It was decided to add a resolution authorizing

estimated tax bills in addition to the resolution for the tax anticipation note. That way, if the waiver was granted from the State we would not need to issue the tax anticipation note.

Resolution #158 Councilman Brophy made a motion to add a resolution to the agenda authorizing the preparation and transmission of estimated tax bills

Second: Councilwoman Zamechansky

Roll call vote: Council members Brophy, Correa, Manna, Riquelme, Zamechansky-yes

Motion to open to the public: Councilman Manna

Second: Councilman Brophy

All in favor.

1. Cathy Doherty, 110 Roxbury Road, asked the role of the Financial Advisor. Mr. Paster responded that the Dodd-Frank Securities Act requires that municipalities appoint a financial advisor to advise in bonding and other transactions.

Ms. Doherty asked the meaning of Resolution #157 and if it limits our borrowing capacity. Mr. Paster explained that third quarter tax bills have not been prepared because the County just adopted their budget last week and the State adopted theirs the last week in June. Every town in Bergen County has the same issue-they can't set their tax rate. Since the tax rate has not yet been set, the Borough has to either defer some of its expenditures until third quarter tax bills can be prepared and sent out or borrow the money. In this particular situation the Board of Education has some requirements that cannot wait. The tax anticipation note is short term but is necessitated by action out of the control of the Borough. #158 is the authorization of estimated tax bills, which is supposed to be approved in May but we can request a waiver from the State. If they agree, it would save the Borough approximately \$10,000.

2. Kai Chen, 90 Teak Road, asked about Resolution #152- the temporary cell tower at the DPW and whether the monopole that is there now has been abandoned. Mr. Paster explained that the temporary tower was a negotiated license agreement for that location. He thinks the monopole that has been there has not been abandoned; that they just haven't gotten tenants. Mr. Chen asked if there was a not to exceed amount for the Financial Advisor. Mr. Paster responded that there is not but if the Council wishes they could put a not to exceed \$15,000 amount. Mr. Chen asked about the Corrective Action Plan-a lot of the issues have been reduced but how many years have the remaining ones occurred? What is keeping them from being corrected? Mr. Chen asked about items on the bills list.

Motion to close: Councilman Brophy

Second: Councilwoman Correa

All in favor.

Motion to adopt the Consent Agenda: Councilman Brophy

Second: Councilman Riquelme

Roll call vote: Council members Brophy, Correa, Manna, Riquelme, Zamechansky-yes

ORDINANCES

Second Reading

#1474 An ordinance to amend, revise and supplement ordinance no. 1286 and its progenies as to the establishment of certain compensation ranges and related items for certain officers and employees

Motion to waive formal reading: Councilman Brophy

Second: Councilman Manna

All in favor.

There was no discussion from the Council.

Motion to open to the public: Councilman Brophy

Second: Councilman Riquelme

All in favor.

1. Timothy Hickey, 165 Randolph Avenue, stated that the ordinance, with salary ranges, does not specifically describe the total amount of salaries an employee is compensated for. Mayor Kelly explained that this ordinance is not setting a salary for a person, it is setting a salary for a job title. Mr. Paster explained that this ordinance just sets ranges; the budget and salary resolution set the salaries for individual employees.

2. Kai Chen, 90 Teak Road, asked what the extension of the range was. Councilman Brophy answered that the salary increase this year was 1.75% for full-time employees.

Motion to close to the public: Councilwoman Zamechansky

Second: Councilman Brophy

All in favor.

Motion to adopt on second reading: Councilman Manna

Second: Councilwoman Zamechansky

Roll call vote: Council members Brophy, Correa, Manna, Riquelme, Zamechansky-yes

Motion to open to the public for general comments: Councilman Riquelme

Second: Councilman Manna

All in favor.

1. Cary Stopsky, 48 E. Quackenbush, still has issues with plantings from the flood control project, which never grew and with empty bottles on his property.

2. Tom Massey, 16B American Legion Terrace, has problems with the Elks Club: intoxication, drinking in the street, motorcycles, cursing and liquor being over served without regard to age or driving condition. The Elks are responsible for what's going on. He has pictures. He asked if their license could be revoked. Mr. Paster suggested that Mr. Massey submit the photos to the Police Department for further investigation and they will determine, in conjunction with Municipal Court, if any action should be taken. The Municipal Prosecutor would contact Mr. Paster if he feels any action should be taken and he, in turn would bring it to the Mayor and Council.

3. Tim Hickey, 165 Randolph Avenue, said he is associated with the Elks, which is a social club in a residential area. He had spoken to Mr. Massey and told him to report anything illegal to the Police. He will make changes to the best of his ability.

4. Lynne Vietri, 41 Wilkens Drive, recapped what has happened regarding the D'Angelo Farms property in the past eight months. She referred to Council minutes. She and Ms. Bunin attended a COAH meeting July 2nd in Trenton and spoke of the situation in Dumont. Counts one and two of the builder's remedy lawsuit have been dismissed. In her opinion the land should be zoned RA residential to blend in with the rest of the area. Are we going to rezone and what will we rezone the property. The Mayor said that nothing has been decided yet. An ordinance is not going to be introduced tonight.

5. Rachel Bunin, 9 Poplar Street, asked if there are any updates to the zoning and if it would be possible for the Council to be more open now due to the outcome of the builder's remedy lawsuit? Mr. Paster still recommends that comments from the Council not be put on the record because the lawsuit is still pending. The case can still be reopened. A sub-committee

comprised of some members of the Governing Body and Joint Land Use Board have been reviewing available options with him, Mr. Buzak and Ms. Green, which will be discussed in closed session tonight.

Ms. Bunin asked if they will have notice if the zoning ordinance is going to be introduced and how far in advance it would be. Mr. Paster responded that there is no notice required for introduction but it will be on the agenda. Prior to adoption, there will be a notice in the newspaper and properties 200' around D'Angelo's will receive notice by certified mail.

6. Jim Smith, 920 Seminole Avenue, said he feels the issue is affordable housing, which we have already. He doesn't see affordable housing in other towns. Ms. Green explained that every town in New Jersey has obligations but you can't tell it's affordable housing. Although Dumont has affordable housing, COAH prescribes the number needed. She will bring the number of affordable housing units in surrounding towns to the next meeting.

7. Mike Nagel, 44 Wilkens Drive, asked what the proposed future obligations are. Ms. Green stated that it is unclear whether surplus credits can be applied to the rehab obligation. Mr. Nagel asked if Dumont could be reimbursed for legal fees connected to the lawsuit. Mr. Paster responded that the way the statutes are written, the answer is no.

8. Cathy Doherty, 110 Roxbury Road, asked if the Mayor and Council intend to rezone the D'Angelo property prior to the finalization of the third round rules. Mr. Buzak responded that he cannot speak as to what the Governing Body will do. The property owner can't use the property for any private purpose; only for public purpose so it is a unique situation. That zoning on privately owned property is not sustainable. The Borough is being compelled to address the situation because of the zoning. If the zoning had been single family zoning, industrial zoning or commercial zoning we probably would have been able to defer action pending the outcome of the adoption of the COAH regulations. We do not have that luxury, so the Borough needs to deal with this issue now. His recommendation would be rezone prior to the finalization of the COAH third round rules.

Ms. Doherty asked if the D'Angelo family has come to ask for specific rezoning of their property or filed a suit associated with the Borough not rezoning the property yet. The response was no.

Ms. Doherty asked why Norwood was able to rezone the D'Ercole property as single family. Mr. Paster responded that Norwood has a certified plan so they were totally exempt from any builder's remedy. Dumont is now exempt from builder's remedy subject to COAH administrative proceedings because we filed the plan in December.

Ms. Doherty asked if there were any precedent cases whereby rezoning took place and there was a lawsuit to declare it arbitrary, capricious and unreasonable. Mr. Buzak explained that all cases are fact specific. It is difficult to look at a case and apply it to this situation because the facts don't mesh.

9. Lynne Vietri, Wilkens Drive, stated that at the COAH meeting she and Ms. Bunin attended, COAH Acting Director Thompson asked if they knew what Dumont's affordable housing obligation is and when she responded "0" he said she was right. Ms. Vietri feels we're on the right track and that they heard them.

10. Bill Bochicchio, 94 Hillcrest Drive, is Chairman of the Joint Land Use Board. He has been to all the hearings and is part of the sub-committee. The Governing Body and JLUB are in favor of the least amount to be put on that property. Unless there is good zoning put in there-zoning that is acceptable and will stand up in court-someone is going to want to put in 300-400 units because this zoning already exists in town. If we don't have proper zoning we will wind up

with no defense. We then have the expense of court and the realization as a Governing Body and Board we have failed to do the right thing for the town, which is to zone it properly. This is why we have been going very slowly with our paid professionals to make sure that everything is done properly and that the town is protected. When the numbers come out from COAH, we may not have to put in one more piece of affordable housing. This Mayor and Council has been totally non-political; everyone's been worried about the town.

Motion to close: Councilman Manna

Second: Councilman Brophy

All in favor.

The Municipal Clerk read the resolution to enter closed session to discuss:

Litigation-Landmark

Potential Litigation-construction projects

Motion: Councilman Brophy

Second: Councilman Riquelme

Roll call vote: Council members Brophy, Correa, Hayes, Manna, Riquelme, Zamechansky-yes

Following closed session:

Motion to go back into public: Councilman Manna

Second: Councilwoman Zamechansky

All in favor.

Motion to adjourn: Councilman Manna

Second: Councilman Riquelme

All in favor.

Meeting was adjourned at 11:30PM

Minutes respectfully submitted by:

Susan Connelly, RMC

Municipal Clerk